

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff

-v-

17-CR-40-V

LAWRENCE RUSSELL,
a/k/a Mucho

Defendant/Principal

**NOTICE OF MOTION AND MOTION FOR DECLARATION OF BAIL
FORFEITURE AND TO FORFEIT BAIL BOND**

In accordance with Title 18, United States Code, Section 3146(d) and Rule 46(f)(1) and (3)(A) of the Federal Rules of Criminal Procedure, the United States of America hereby moves the Court for an order declaring that the bail posted by the defendant and the surety Jackey Bullock be forfeited to the United States of America; that default judgment in the amount of \$20,000 be entered against the defendant Lawrence Russell and the surety Jackey Bullock and any and all accrued interest on said appearance bonds be forfeited to the United States of America and entered against the judgment of \$20,000 and for such other relief as may be proper. Said motion shall be heard before the Honorable Jeremiah J. McCarthy, United States Magistrate Judge for the Western District of New York, at a time to be determined by the Court.

DATED: Buffalo, New York, January 26, 2018.

JAMES P. KENNEDY, JR.
United States Attorney

BY: s/LAURA A. HIGGINS
Assistant United States Attorney
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff

-v-

17-CR-40-V

LAWRENCE RUSSELL,
a/k/a Mucho

Defendant/Principal

AFFIDAVIT IN SUPPORT OF MOTION FOR DEFAULT JUDGMENT
AND TO FORFEIT APPEARANCE BOND

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

LAURA A. HIGGINS, being duly sworn, deposes and states:

1. I am an Assistant United States Attorney for the Western District of New York and am assigned to my office's file concerning this action.

2. On or about February 15, 2017, the defendant, Lawrence Russell a/k/a Mucho, was indicted and charged with a number of violations of Title 21, United States Code, Section 841(a)(1) (possession with intent to distribute cocaine and cocaine base) and other related charges.

3. During his arraignment held on February 28, 2017, defendant was incarcerated on state charges. He was released in August 9, 2017 and a detention hearing was scheduled.

4. On August 14, 2017, a detention hearing was held. Defendant was released on \$20,000 appearance/signature bond. Docket No. 35. Defendant's girlfriend, Jackey Bullock presented herself as surety for a \$20,000 appearance/signature bond. Both defendant and Ms. Bullock signed the appearance bond. By signing the bond, the defendant and the surety acknowledged that they were jointly and severally bound to pay to the United States of America the sum of \$20,000 in the event of non-appearance and non-compliance. The Appearance Bond was filed on August 16, 2017. Upon the appearance bond was the following warning:

Forfeiture of the Bond. The appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs. See Exhibit A.

5. During the same appearance, the defendant signed the acknowledgment of the Order Setting Conditions of Release. Among the conditions of release ordered defendant to appear at all proceedings as required to restrict travel to the Western District of New York (WDNY); and remain at a verifiable address approved by Pretrial Services and abide by condition of New York State parole. The Order Setting Conditions of Release was filed on August 17, 2017. Docket No. 36, attached hereto as Exhibit B.

6. On September 27, 2017, a violation hearing was held due to a Violation Report of Defendant Under Pretrial Supervision having been submitted to the Court by the United States Probation and Pretrial Services. A violation hearing was held and defendant was permitted to remain on release with added condition: “zero tolerance for any future violations” and a warning that his bail would be revoked if he committed additional violations. Docket No. 44.

7. On December 1, 2017, a warrant for the arrest of defendant was issued by the Honorable Jeremiah J. McCarthy, United States Magistrate Judge.

8. On the basis of the foregoing, the defendant LAWRENCE RUSSELL breached the above-referenced conditions of his release. As of January 26, 2018, he remains a fugitive from justice.

WHEREFORE, pursuant to Title 18, United States Code, Section 3146(d) and Rule 46(f)(1) and (3)(A) of the Federal Rules of Criminal Procedure, the Government requests the Court enter an order declaring the bail posted by the defendant LAWRENCE RUSSELL a/k/a Mucho and the surety, Jackey Bullock, be forfeited to the United States of America; that default judgment in the amount of \$20,000 be entered against the defendant LAWRENCE RUSSELL a/k/a Mucho and Jackey Bullock and any and all accrued interest on said \$20,000

appearance bond be forfeited to the United States of America and applied against the \$20,000 judgment; and that the Court grant such other relief as may be proper.

DATED: Buffalo, New York, January 26, 2018

s/LAURA A. HIGGINS
Assistant United States Attorney
United States Attorney's Office
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138 Delaware Avenue
Buffalo, New York 14202
716/843-5862
Laura.Higgins@usdoj.gov

Subscribed and sworn to before me

this 26th day of January, 2018.

s/KAREN A. CHAMPOUX
COMMISSIONER OF DEEDS
In And For The City Of Buffalo, New York.
My Commission Expires Dec. 31, 2018.